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NORTHERN DISTRICT OF TEXAS

FILED

JUL - 7 2005

CLERK, U.S. DISTRICT COURT

By _____
Deputy

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

WARREN DUANE TRACY,

Petitioner,

v.

DOUGLAS DRETKE, Director,
Texas Department of Criminal
Justice, Institutional Division,

Respondent.

2:05-CV-0039

ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION, and
DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS

Came this day for consideration the Petition for a Writ of Habeas Corpus by a Person in State Custody filed by petitioner. On June 14, 2005, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's application for a writ of habeas corpus be dismissed as time barred. Petitioner filed objections to the Magistrate Judge's Report and Recommendation on June 22, 2005.

The undersigned United States District Judge has made an independent examination of the record in this case. The objections filed by petitioner are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is hereby DISMISSED. Let judgment be entered accordingly.

IT IS SO ORDERED.

ENTERED this 71 day of July 2005.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE